

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

JAMEY McKEE,

Plaintiff,

v.

B. SALAMAN, *et al.*,

Defendants.

No. 4:22-CV-01240

(Chief Judge Brann)

**ORDER**

**AND NOW**, this 25<sup>th</sup> day of July 2023, in accordance with the accompanying Memorandum, **IT IS HEREBY ORDERED** that:

1. Defendants' motion (Doc. 58) for partial dismissal under Federal Rule of Civil Procedure 12(b)(6) is **GRANTED** in part and **DENIED** in part, as follows:
  - a. Defendants' motion is **GRANTED** insofar as Count 1 as to Anna, Count 2, Count 8 as to Steberger and Anna, and Counts 12 through 18 are **DISMISSED** with prejudice pursuant to Rule 12(b)(6).
  - b. Defendants' motion is **DENIED** in all other respects.
2. Count 10 is **DISMISSED** with prejudice pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) for failure to state a claim upon which relief may be granted.
3. McKee's official capacity claims as to all Defendants are **DISMISSED** pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) and (iii) as they are either barred by Eleventh Amendment sovereign immunity or are moot.
4. The Clerk of Court is directed to terminate defendants C. Collins and R. Burns.

5. This case shall proceed on the following claims in McKee's second amended complaint (Doc. 49): Count 1 as to Steberger and Hayles, Counts 3 through 7, Count 8 as to Hayles, Count 9, and Count 11.
6. Defendants shall respond to the remaining Section 1983 claims listed in paragraph 5 above as required by Federal Rule of Civil Procedure 15.

BY THE COURT:

*s/ Matthew W. Brann*

Matthew W. Brann

Chief United States District Judge